

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 5507 OF 2005.**

C.P.Shanmugham. ... Applicant.  
Versus.  
Jaiprakash Kadernath Tiwari & anr. ... Respondents.  
Shri M.S.Kadu for the Applicant.  
Shri A.S.Shitole, A.P.P. for the Respondent-State.  
None for Respondent No.1.

**CORAM : ABHAY S.OKA, J.**

**DATED : 18th December, 2006.**

**P.C.:**

1. Heard the learned Advocate for the Applicant. The challenge in this Criminal Application under section 482 of the Code of Criminal Procedure, 1973 is to an order by which the process has been issued by the learned Magistrate on the private complaint filed by the 1st Respondent. In view of the decision of the learned Single Judge of this Court in the case of V.K.Jain v/s. Pratap Padode (Mah.L.J. 2005 (3) page 778), remedy of filing a Revision Application before the appropriate Sessions court is available. The Applicant has not filed the Revision Application before the appropriate Sessions Court. Only on this ground the Application is not entertained and the same is rejected with liberty to the Applicant to file a Revision Application before the appropriate Sessions Court.

2. Ad-interim relief granted by this Court on 18th

November 2005 will continue to operate for a period of 8 weeks from today to enable the Applicant to move the appropriate Court.

3. If the Revision Application is filed by the Applicant, the concerned Court is bound to take notice of the fact that the present application was filed in this Court on 23rd August 2005 and the same remained pending in this Court till today. All contentions on merit are kept open.

**Judge.**